

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF APPROPRIATIONS A-17329, A-17330, A-17331 AND A-17332

WATER DIVISION 1-A

BACKGROUND

1. Nebraska Revised Statute 46-2,112 requires the Department of Natural Resources (Department) to review an appropriation for instream flow every fifteen years after it is granted.
2. Water Appropriations A-17329, A-17330, A-17331 and A-17332 are instream flow appropriations on the Platte River in the name of the Nebraska Game and Parks Commission (NGPC). Water Appropriations A-17329, A-17330, A-17331 and A-17332 have priority dates of November 30, 1993, and were approved by the Department on June 26, 1998. The appropriations' time periods, purpose, reach and amount of water are summarized in the attached chart identified as "Attachment A".
3. In accordance with Nebraska Revised Statute § 46-2,112, notice of pending review was published in several newspapers for three consecutive weeks commencing on February 11, 2013, and ending on March 1, 2013, and posted on the Department's website. Interested parties were given until April 12, 2013, to present evidence relevant to the review or to request a hearing.
4. Between February 11, 2013, and April 12, 2013, eleven letters of support for the NGPC instream flow appropriations were received in the Department.
5. Between February 11, 2013, and April 12, 2013, two letters of concern about the NGPC instream appropriations were received in the Department. The letters do not request a hearing or contain evidence relevant to the review.
6. On April 18, 2013, James N. Douglas, Director of NGPC, filed in the Department written documentation of the continued use of and public interest served by the appropriations.

It is therefore FOUND based upon documents on file in the Department and the above information that these appropriations continue to be used beneficially for the purposes for which they were granted, are in the public interest, and therefore should continue in effect with no modifications.

It is so ORDERED.

DEPARTMENT OF NATURAL RESOURCES

June 6, 2013


Brian P. Dunnigan, P.E., Director

A copy of this Order was posted on the Department's website. A copy of this Order was provided to the Department's field offices in Bridgeport, Lincoln, Norfolk and Ord Nebraska. A copy of this Order was mailed on June 6, 2013, to the following:

James Douglas, Director
Nebraska Game and Parks Commission
INTERAGENCY
P.O. Box 30370
Lincoln, Nebraska 68503-0370

Ron Bishop, General Manager
Central Platte
Natural Resources District
215 North Kaufman Avenue,
Grand Island, Nebraska 68803

Glenn D Johnson, General Manager
Lower Platte South
Natural Resources District
3125 Portia Street
P.O. Box 83581
Lincoln, Nebraska 68501-6454

Larry Pape, President
Nebraska Chapter American Fisheries
2200 North 33rd Street
Lincoln, Nebraska 68503

Gerald Dillman, President
North Platte Valley Water Association
P.O. Box 280
Scottsbluff, Nebraska 69363-0280

Sandra Zellmer
Robert B. Daugherty Professor
University of Nebraska College of Law
P.O. Box 830902
Lincoln, Nebraska 68583-0902

Mike Gaghagen
Nebraska Division President
Izaak Walton League
4163 Springview Drive
Grand Island, Nebraska 68803

George R. Cunningham
8175 Camden Avenue
Omaha, Nebraska 68134

Duane Hovorka, Executive Director
Nebraska Wildlife Federation
P.O. Box 81437
Lincoln, Nebraska 68501

Dave Jacobs, President
Trout Unlimited Chapter 710
905 Bellevue Boulevard North
Bellevue, Nebraska 68005

Michael D. George
Nebraska Field Supervisor
U. S. Department of the Interior
Fish and Wildlife Service
Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

Greg Darnall, Vice Chairman
North Platte
Natural Resources District
P.O. Box 280
Scottsbluff, Nebraska 69363-0280

Sharon Clawson
8112 Pawnee Road
Omaha, Nebraska 68122

Jerry F. Kenny, Executive Director
Platte River Recovery and
Implementation Program
4111 4th Avenue, Suite 6
Kearney, Nebraska 68847

Attachment A

Water Appropriations A-17329, A-17330, A-17331 and A-17332

<u>APPROPRIATION</u>	<u>TIME PERIOD</u>	<u>PURPOSE</u>	<u>REACH</u>	<u>CUBIC FEET PER SECOND OF FLOW GRANTED</u>				
				<u>Odessa Gage</u>	<u>Grand Island Gage</u>	<u>Duncan Gage</u>	<u>North Bend Gage</u>	<u>Louisville Gage</u>
A-17329	June 1 - June 23	Maintain Fish Community	Below Kearney Canal Diversion Dam to Loup Power Canal Return	500	500	500		
	June 24 - July 31			400	400	400		
	Aug 1 - Aug 22			200	200	300		
	Aug 23 - Aug 31			300	300	400		
A-17330	All Year	Maintain Fish Community	Loup Power Canal Return to confluence with Elkhorn River				1,800	
A-17331	January	Maintain Fish Community	Elkhorn River to mouth of Platte River					3,100
	Feb 1 - July 31							3,700
	August							3,500
	September							3,200
	Oct 1 - Dec 31							3,700
A-17332	April 1-14	Maintain Whooping Crane Roost Habitat	Below Kearney Canal Diversion to U.S. Highway 281 Bridge	50	50			
	May 4-10			1,350	1,350			
	Oct 1-11			1,350	1,350			